

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Jocelyn Davis,

Plaintiff,

v.

KMART Holding Company,

Defendant(s).

No. C 04-0632 WDB

ORDER RE MATERIALS IN SUPPORT
OF PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR
PARTIAL SUMMARY JUDGMENT

By the close of business **today** (5:00 p.m.), plaintiff's counsel MUST either (i) file with the court and serve on opposing counsel the '2nd Moore declaration' and the deposition transcript of Ms. Winters, or (ii) file and serve a submission containing a compelling explanation for his inability to file and serve the above-referenced documents today. If plaintiff does not either file and serve the documents or provide an compelling reason for his failure to do so, the Court will not consider those materials in connection with defendant's motion for partial summary judgment.

IT IS SO ORDERED.

Dated: August 31, 2005

/s/ Wayne D. Brazil
WAYNE D. BRAZIL
United States Magistrate Judge

Copies to:
Parties, WDB.